

**BEFORE THE CITY OF LIBERTY LAKE
PLANNING COMMISSION**

**A RECOMMENDATION OF APPROVAL ON THE 2007
COMPREHENSIVE PLAN & DEVELOPMENT CODE
AMENDMENTS (CA-07-0001 to CA-07-0005, ZTA-07-0001
to ZTA-07-0022, & ZTA-07-0024 to ZTA-07-0025) AND A
RECOMMENDATION OF DENIAL ON FILE # ZTA-07-0023
TO THE CITY OF LIBERTY LAKE CITY COUNCIL**)
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**FINDINGS OF FACT,
CONCLUSIONS,
AND DECISION**

A. STAFF SUMMARY

1. The Growth Management Act was established in the State of Washington in 1990 to provide a framework for land use planning and development regulation.
2. Spokane County and the cities within it were mandated to plan under the GMA in 1993.
3. As a City within Spokane County, Liberty Lake has crafted a Comprehensive Plan and Development Regulations which reflect and implement the community's vision for land use.
4. The 13 planning goals outlined in RCW 36.70A, guide the development and adoption of comprehensive plans and development regulations
5. The comprehensive plan is the starting point for any planning process and the centerpiece of local planning. Development regulations implement the Comprehensive Plan and include a variety of land use regulations, such as zoning, subdivisions, critical areas, landscaping, planned unit development, signs, etc. and the City Development Code must be consistent with the adopted City Comprehensive Plan, as well as being internally consistent. State agencies are required to comply with comprehensive plans and development regulations of jurisdictions planning under the GMA.
6. The 2007 City Comprehensive Plan & Development Code Amendments process was a "bottom up" effort, involving early and continuous public participation and the public had the opportunity to comment throughout the process.
7. GMA requires proposed comprehensive plans or development regulations, including proposed amendments, be forwarded to the Department of Community, Trade and Economic Development for review and comment 60 days prior to the final City Council adoption.

B. GENERAL INFORMATION

The proposed 2007 City Comprehensive Plan & Development Code Amendments consists of the following:

- 5 Comprehensive Plan Amendments
- 24 Development Code Text Amendments

C. REGULATORY AUTHORITY

1. WAC 365-195 - Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations
2. RCW 36.70A - Growth Management -- Planning By Selected Counties and Cities
3. WAC 197-11 - SEPA Rules

D. PROCEDURAL INFORMATION

1. Presentation on Proposed P&CD Staff Comprehensive Plan & Development Code Amendments
 Meeting Date & Time: Planning Commission Meeting – June 13, 2007 at 4pm
 Meeting Location: City Hall Council Chambers
 Public Notice:
 - Agenda posted at City Hall & the Liberty Lake Post Office
 - Agenda emailed to public notice group & posted on City website

2. Presentation on Proposed P&CD Staff Comprehensive Plan & Development Code Amendments
 Meeting Date & Time: Planning Commission Meeting – July 11, 2007 at 4pm
 Meeting Location: City Hall Council Chambers
 Public Notice:
 - Agenda posted at City Hall & the Liberty Lake Post Office
 - Agenda emailed to public notice group & posted on City website

3. Discussion on Proposed Comprehensive Plan / Development Code Amendments
 Meeting Date & Time: Planning Commission Meeting – August 8, 2007 at 4pm
 Meeting Location: City Hall Council Chambers
 Public Notice:
 - Agenda posted at City Hall & the Liberty Lake Post Office
 - Agenda emailed to public notice group & posted on City website

4. Non-Project SEPA Checklist and Threshold Determination Review – August 13, 2007 to August 27, 2007
 The City of Liberty Lake completed a SEPA Checklist on the proposed Comprehensive Plan & Development Code Amendments. The City of Liberty Lake Planning & Community Development Department determined that the proposals, as non-project reviews, would have no significant adverse environmental impacts and issued a Determination of Nonsignificance (DNS) and Adoption of Existing Environmental Document on the Comprehensive Plan & Development Code Amendments on August 13, 2007. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The SEPA Checklist and Threshold Determination were routed to agencies on August 13, 2007 and a Notice of Availability was published in the August 16, 2007 Liberty Lake Splash. The SEPA Notice of Availability was also posted on the City website and emailed to the public notice group on August 13, 2007. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., August 27, 2007. No comments were received.

5. Public Workshop on Proposed Comprehensive Plan / Development Code Amendments
 Meeting Date & Time: Planning Commission Special Meeting – August 22, 2007 at 4pm
 Meeting Location: City Hall Council Chambers
 Public Notice:
 - Notice of Public Workshop published in the Liberty Lake Splash on August 9, 2007
 - Notice of Public Workshop emailed to public notice group & posted on City website on August 3, 2007
 - Notice of Public Workshop posted at City Hall & the Liberty Lake Post Office on August 3, 2007
 - Agenda posted at City Hall & the Liberty Lake Post Office
 - Agenda emailed to public notice group & posted on City website

6. Public Hearing on Proposed Comprehensive Plan / Development Code Amendments
 Meeting Date & Time: Planning Commission Meeting – September 12, 2007 at 4pm
 Meeting Location: City Hall Council Chambers
 Public Notice:

- Notice of Public Hearing published in the Liberty Lake Splash on August 30, 2007
- Notice of Public Hearing emailed to public notice group & posted on City website on August 28, 2007
- Notice of Public Hearing posted at City Hall & the Liberty Lake Post Office on August 28, 2007
- Agenda posted at City Hall & the Liberty Lake Post Office
- Agenda emailed to public notice group & posted on City website

E. PROPOSED 2007 CITY COMPREHENSIVE PLAN & DEVELOPMENT CODE AMENDMENTS

A City Staff Report was presented at the public hearings on September 12, 2007 and the opportunity for public comment was available during the public hearings. Copies of all materials were available for review on the City website on August 28, 2007, prior to the hearing, and copies were also available at the hearing.

F. FINDINGS OF FACT

1. The public had the opportunity to comment at the public hearing or submit written comments. Only WA State Dept. of Transportation submitted an email and they had no comments.
2. All public notice requirements have been met or exceeded.

G. CONCLUSIONS

Based on the above findings of fact, the City of Liberty Lake Planning Commission concludes:

1. The public was provided with the opportunity for early and continuous participation.
2. That all public notification requirements were met and accomplished in a timely manner.
3. That the public was given adequate opportunity to testify for or against the proposed 2007 Comprehensive Plan & Development Code Amendments.
4. That comments received throughout the review process were taken into consideration.

H. DECISION

The City of Liberty Lake Planning Commission recommends **APPROVAL** of Comprehensive Plan Amendments CA-07-0001 to CA-07-0005, Development Code Amendments ZTA-07-0001 to ZTA-07-0022, and Development Code Amendments ZTA-07-0024 to ZTA-07-0025 to the City Council.

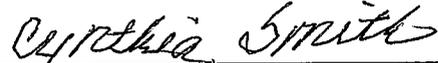
The City of Liberty Lake Planning Commission recommends **DENIAL** of Development Code Amendment ZTA-07-0023 to the City Council.

Dated the 26th day of September, 2007.

Attest:



 Steve McElvain, Chairman



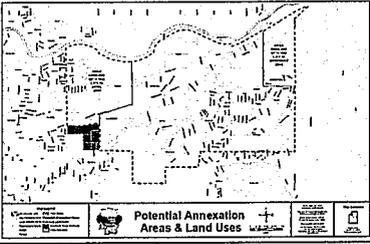
 Cindy Smith, Deputy City Clerk / Treasurer

City of Liberty Lake Comprehensive Plan

Proposed 2007 Amendments List

Initiated By / File #	Chapter / Section	Proposed Amendment	Page #
P&CD Staff / File # CA-07-0001	Chapter 2 Land Use - Section C Goals & Policies, Goal: LU.2 Policy: LU 2.4	<ul style="list-style-type: none"> LU.2.4: Establish a design review authority consisting of <u>five members</u>. <u>Two (2) positions shall be filled by City staff members and three (3) positions shall be filled by members of the Planning Commission. Except as otherwise provided, one (1) of the Planning Commission member positions may be filled by a Design Professional. three members from the City Planning Commission and two City staff members.</u> 	23
City Planning Commission Recommendation - Approval of Amendment CA-07-0001			
P&CD Staff Recommendation - Approval of Amendment CA-07-0001			
P&CD Staff / File # CA-07-0002	Chapter 2 Land Use - Section C Goals & Policies, Goal: LU.23 Policy: LU 23.1	<ul style="list-style-type: none"> LU.23.1: <u>At a minimum the City shall Review-review and evaluate the City's Urban Growth Area boundary, at a minimum every five years during the Spokane County Regional UGA Review Process, as required by the Countywide Planning Policies (topic 1, policy 18) and the Revised Code of Washington (RCW); however, the City will not review local UGA extension requests on an annual basis, but the City's UGA reviews shall either coincide with the regional UGA review process or when only 25% of available land in any buildable land use classification remains, the City can conduct a local review and petition the Spokane County Steering Committee for a regional UGA review.</u> 	40
City Planning Commission Recommendation - Approval of Amendment CA-07-0002			
P&CD Staff Recommendation - Approval of Amendment CA-07-0002			
P&CD Staff / File # CA-07-0003	Chapter 2 Land Use - Section C Goals & Policies, Goal: LU.23	<ul style="list-style-type: none"> <u>Annexation Purpose and Relationship to GMA</u> The purpose of this section is to identify the unincorporated Spokane County areas on the periphery of the City limits to which the City of Liberty Lake is capable of providing services over the time horizon of this plan or which already have services, and to provide policy direction for annexation of properties within such areas. The City has outlined one area in particular that is northwest of the City as a Future City Annexation Area (FCAA). The Growth Management Act does not require an annexation element or section, however annexation issues comprise an intrinsic component in the establishment of urban 	40

		<p>growth areas and in planning for areas between cities within the urban growth areas. The City of Liberty Lake has chosen to designate potential annexation areas, in association with Spokane County and adjacent City plans, and in consultation with residential groups in affected areas to further define the intended direction for the future expansion of the City.</p>	
City Planning Commission Recommendation - Approval of Amendment CA-07-0003			
P&CD Staff Recommendation - Approval of Amendment CA-07-0003			
P&CD Staff / File # CA-07-0004	Chapter 2 Land Use - Section C Goals & Policies, Goal: LU.23	<ul style="list-style-type: none"> <p>Profile of the Planning Area Since incorporation on August 31, 2001, the City of Liberty Lake has annexed one area into its municipal boundary. This area was northeast of the City and contained one resident. It was annexed in November 2002 and was already identified as part of the future service area for the Liberty Lake Sewer and Water District. Since official incorporation (August 31, 2001), the City of Liberty Lake has annexed two additional areas into its municipal boundary. The first area was located northeast of the City and contained only one resident. This land was previously identified as part of the future service area of the Liberty Lake Sewer and Water District and was officially annexed in February 2003. The second area was located northwest of the City and contained several residents. This area was officially annexed in April 2006. Map 2.5 below shows the areas already annexed into the City, as well as the potential annexation areas already contained within the UGA and the designated Future City Annexation Area (FCAA). The map also shows Spokane County areas that are outside of the UGA in gray and unincorporated Spokane County areas that are within the UGA, but are not currently being considered for annexation in light yellow.</p> <p>The City's first annexation was driven by a desire on the part of property owners. The majority of the property owners in the area outlined as the FCAA have expressed an interest in being annexed into the City. Residents in the small brown triangle just south of the City have also expressed an interest (see Map 2.5). Both of the City's previous annexations were driven by property owner initiative. Residents located in the small brown triangle just south of the City as well as the property owner's of the parcels shown in blue, located west of the City, have previously expressed an interest in having their land considered for annexation (see Map 2.5)</p> 	41

		<p><u>Move Map 2.5 after text and update w/ NW Annexation Area (remove FCAA label)</u></p> 	
City Planning Commission Recommendation - Approval of Amendment CA-07-0004			
P&CD Staff Recommendation - Approval of Amendment CA-07-0004			
P&CD Staff / File # CA-07-0005	Chapter 9 Natural Environment – Introduction & Map 9.1 Wetlands	<ul style="list-style-type: none"> The Natural Environment Element combines several environmentally related topics, including Critical Areas (wetlands, aquifer recharge areas, fish and wildlife conservation areas, frequently flooded areas and geologically hazardous areas), as well as tree conservation, shorelines, surface water quality and quantity, and air quality. The City of Liberty Lake's natural environment includes the Spokane-Rathdrum aquifer, which is one of the most productive aquifers in the United States. Currently, the City does not contain any designated critical areas, frequently flooded areas, or shorelines, however these areas surround the City and they have been included in this element for future planning or joint planning efforts. A small wildlife corridor is located on the far eastern boundary of the City and the small quantity of wetlands that are contained within the City have already been mitigated. The locations of the wetlands are shown on Map 9.1 within this element. <u>The City Planning & Community Development Dept. maintains maps identifying natural environment and critical areas located within the City and retains maps surrounding the City.</u> 	109 & 113
City Planning Commission Recommendation - Approval of Amendment CA-07-0005			
P&CD Staff Recommendation - Approval of Amendment CA-07-0005			

Information is subject to change without notice

City of Liberty Lake Development Code

Proposed 2007 Amendments List

Initiated By / File #	Chapter / Section	Proposed Amendment	Page #
P&CD Staff / File # ZTA-07-0001	Article 10-1C, Definitions	<ul style="list-style-type: none"> Add: Forecast <u>Forecast - the future that is considered most likely to occur.</u> Add: Projection <u>Projection - a conditional statement about the future based on a set of assumptions.</u> 	1-20 & 1-37
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0001			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0001			
P&CD Staff / File # ZTA-07-0022	(M-1) - Section 10-2E-6(D), (M-2) - Section 10-2F-6(D), (M-3) - Section 10-2G-6(D), Development Setbacks	<ul style="list-style-type: none"> D. Setback Exceptions Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than 5 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on property lines, subject to the standards in Section 10- 3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. <u>P&CD has the discretion to allow an increase in the maximum setback for public safety facility access.</u> 	2-77 2-104 2-133
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0022			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0022			
P&CD Staff / File # ZTA-07-0017	(R-1) - Section 10-2B-7, (R-2) - Section 10-2C-7, (R-3) - Section 10-2D-7, (M-1) - Section 10-2E-7, (M-2) - Section 10-2F-7, (M-3) - Section 10-2G-7, Lot Area, Dimensions, Coverage, & Residential Density	<ul style="list-style-type: none"> Add: Subsection D <u>D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by P&CD.</u> 	2-17 2-37 2-58 2-78 2-105 2-134
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0017			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0017			
City Council Community Development Subcom./ File # ZTA-07-0024	Article 10-2M, Specific Area Plan Overlay (SAP)	<p>10-2M-1 Purpose</p> <p>10-2M-2 Specific Area Plan Maps</p> <p>10-2M-3 Specific Area Plan Text</p> <p>Specific Area Plan Overlay District ordinances shall set forth the following provisions and standards:</p>	2-211 to 2-214

		<p><u>A. Name and Purpose of Overlay District.</u> This section shall describe the overlay district in sufficient detail as to clarify the purpose and intent of the overlay district regulations.</p> <p><u>B. Implementation.</u> This section shall describe the required land use application process for development within the overlay district, including any modifications to the procedures in Chapter 4 (e.g., Type I or Type II application versus Type III, etc.). This section shall also reference intergovernmental agreements that apply to the plan area (i.e., when part of the plan area lies outside of the City, within an unincorporated area).</p> <p><u>C. Land Use & Development Standards.</u> This section shall <u>specify the City Development Code requirements that will be applicable or tailored to the SAP (based on Ch.1, Ch.2, Ch.3, and Ch.6)</u> de the following:</p> <ol style="list-style-type: none"> 1. <u>Definitions</u> <u>Specify any definitions not included in the City Development Code or that will differ from the City Development Code for the SAP. Specify any required land use conditions (i.e., land use mix, density, buffering, etc.).</u> 2. <u>Land Uses</u> Identify permitted and prohibited land uses, and uses with special requirements or review procedures (i.e., site design review, conditional use, etc.). 3. <u>Accessory Structures</u> <u>Identify whether or not accessory structures will be permitted and if they are permitted, what the height and other standards will be.</u> 4. <u>Development Setbacks</u> <u>Identify required building setbacks for front, side, rear, and flanking yards, as well as setback exceptions and special yards, as applicable.</u> 5. <u>Lot Area, Dimensions, Coverage, & Residential Density</u> <u>Identify minimum / maximum lot area, minimum / maximum lot width & depth, minimum lot coverage, and minimum / maximum residential density lot standards, including requirements for new lots, such as lot area, dimensions, and density, as applicable.</u> 6. <u>Building Height</u> <u>Identify the building height standards and method of measurement.</u> 	
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		<p><u>7. Building Orientation</u> <u>Identify the building orientation standards for interior and corner lots, as well as specific use, as applicable.</u></p> <p><u>8. Architectural Guidelines and Special Standards</u> <u>Identify the overall detailed design and human scale components as well as components for specific uses, along with permitted / prohibited building materials (roof, siding, and detailing) and permitted / prohibited colors, as applicable.</u></p> <p><u>9. Pedestrian and Transit Amenities</u> <u>Identify the pedestrian and transit amenities that will be incorporated into the SAP site and/or specific buildings, as applicable.</u></p> <p><u>10. Identify any portion of the SAP that is proposed to be different from the requirements of Chapter 3 (i.e. parking, landscaping, lighting standards, etc.), as applicable.</u></p> <p><u>11. Identify if any portion of the site contains Critical Areas and any SAP standards that are proposed to be different from the requirements of Chapter 6, as applicable.</u></p> <p>4. Identify required building setbacks for front, side, rear, and flanking yards, as applicable.</p> <p>5. The design standards of Chapters 2 and 3 will be used to review Specific Area Plan Overlay proposals. The criteria in Section 10-2M-4 shall be used in creating land use and development standards.</p> <p><u>D. Additional Information</u></p> <p><u>1. All SAP applications must include an analysis of the number of dwelling units permitted under the original (pre-SAP) zoning. Although it is not possible to compute a concrete, single figure, this analysis will make estimates, based on reasonable assumptions about open space percentage, street coverage percentage, etc.</u></p> <p><u>2. All SAP applications must include a binding minimum and maximum number of dwelling units that the SAP will include. These numbers may be higher or lower than the number of dwelling units contemplated under the original zoning.</u></p> <p><u>3. All SAP applications must include the proposed amount of open space (i.e. maintained parks, natural areas, etc.)</u></p>	
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10-2M-4 Criteria for Establishing Specific Area Plan Overlay Districts

- The adoption of the Specific Area Plan Overlay District ordinance shall conform to the following standards and procedures:

A. Comprehensive Plan Amendment and/or Zoning District Change Required.

Specific Area Plan Overlay Districts are adopted by ordinance as an amendment to both the Comprehensive Plan and Chapter 2 (Zoning Districts) of this code; except that only a zoning district change shall be required when the specific area plan is consistent with the Comprehensive Plan. Specific area plans that cover unincorporated areas within the UGA shall also require amendment to Spokane County's Comprehensive Plan and/or Zoning and shall comply with the Countywide Planning Policies for joint planning.

B. Specific Area Plan Overlay District Criteria.

Specific Area Plan Overlay Districts shall meet the following minimum standards for adoption, in addition to the amendment criteria in Article 10-4F:

1. **Specific Area.** The overlay district is necessary to provide land use or development standards tailored to a specific geographic area and development program, that cannot otherwise be provided through conventional zoning.
2. **Land Use Compatibility.** The overlay district provides equal or greater compatibility with surrounding land uses than what would likely occur with conventional zoning.
3. **Critical Areas.** The overlay district provides equal or greater protection to critical areas than what would likely occur with conventional zoning.
4. **Efficient Land Use.** The overlay district promotes efficient land use by allowing housing and commercial development at densities that are equal to or greater than the densities that would be allowed with conventional zoning. The overlay district may provide for density transfers or transferable development rights as a method of providing efficient land use while protecting critical areas.
5. **Land Use and Transportation Relationship.** The overlay district provides equal or greater opportunities for alternative modes of transportation (e.g., walking, bicycling, transit) than

		<p>what would likely occur with conventional zoning by:</p> <ul style="list-style-type: none"> a. encouraging or requiring mixed use development where applicable; b. providing a master plan with direct and convenient pedestrian and bicycle connections between all land uses; and c. providing for transit service where applicable. <p>6. Design Standards. The design standards of Chapters 2 and 3 shall apply to all development. In addition, the district shall provide, unless the SAP provides development design standards (see 10-2M-3C above) that are equal to or greater than the standards that would be required with conventional zoning (e.g., building orientation, parking, open space, architectural guidelines, etc.). Where SAP and Chapter 2 or Chapter 3 standards conflict, SAP standards prevail. Development standards specified in the SAP ordinance are binding, and take precedence over standards in Chapter 2 or 3.</p> <p>10-2M-5 Specific Area Plan Overlay Districts Adopted</p> <p><u>10-2M-6 Specific Area Plan Overlay District Amendment</u></p> <p><u>SAP amendment review shall follow the process for Minor and Major Modifications identified in City Development Code Article 10-4F - Modifications to Approved Plans and Conditions of Approval.</u></p>	
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0024			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0024			
P&CD Staff / File # ZTA-07-0002	Section 10-3B-2(G)(1), Vehicular Access and Circulation	<ul style="list-style-type: none"> • G. Access Spacing <ul style="list-style-type: none"> 1. Local Access Streets. A minimum of 50 feet separation <u>between driveways and a minimum of 150 feet between intersections (as measured from the edge of the driveway / intersection)</u>(as measured from the sides of the driveway/street, minus the width of the driveway) shall be required on local access streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below or unless a shared driveway, as outlined in Section 10-3B-2, subsection "I" below, is utilized. Single family, two-family, and three-family uses may not be required to comply with the 50 foot minimum separation, however compliance with Section 10-3B-2, subsection "K" below shall be required. 	3-4

		<p>a. <u>Exception. If existing parcel configuration prevents required access spacing or shared approaches, the access spacing may be reduced, as determined by the P&CD Director.</u></p>	
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0002			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0002			
P&CD Staff / File # ZTA-07-0003	Section 10-3B-2(G)(2), Vehicular Access and Circulation	<ul style="list-style-type: none"> • G. Access Spacing <ul style="list-style-type: none"> 2. Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation Improvement Plan and applicable transportation standards. <u>A minimum of 300 feet separation between driveways shall be required on arterial streets and a minimum of 150 feet separation between driveways shall be required on collector streets. A minimum of 300 feet separation between intersections on arterial and collector streets shall be required.</u> <ul style="list-style-type: none"> a. <u>The City may require additional separation between driveways or intersections on arterials and collectors designated as Aesthetic Corridors / Boulevards on the City Comprehensive Plan Land Use Map to allow for landscaped medians, consistent with street design and traffic safety standards.</u> b. <u>Exception. If existing parcel configuration prevents required access spacing or shared approaches, the access spacing may be reduced, as determined by the P&CD Director.</u> 	3-5
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0003			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0003			
P&CD Staff / File # ZTA-07-0025	10-3C-2(D & E), Landscape Conservation	<ul style="list-style-type: none"> • D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas <u>within the public right of way and Heritage Trees identified in B above, other significant vegetation should comply whenever practical:</u> <ul style="list-style-type: none"> 1. <u>Protection of Significant Trees Vegetation - Significant trees vegetation identified as meeting the criteria in subsection B.1 above shall be retained whenever practical, as determined by P&CD. Preservation may become impractical when it would prevent reasonable development of</u> 	3-13

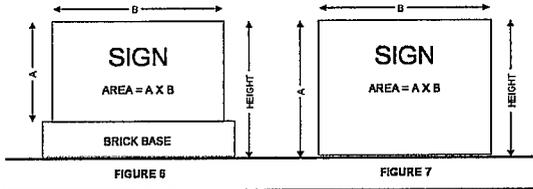
		<p>public streets, utilities, or land uses permitted by the applicable zoning district and relocation of the vegetation or replacement with equivalent vegetation with the closest DBH for trees or commercially available nursery size available in the Spokane/ Coeur d'Alene metro region shall be required within the development or if not possible, then relocated or replaced within another area in the City.</p> <p>2. Protection of Natural Resource / Critical Areas - Natural Resource / Critical Areas shall be protected in conformance with the provisions of Chapter 6.</p> <p>3. Conservation Easements and Dedications - When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect specific areas, including groves of significant trees or Heritage Trees.</p> <ul style="list-style-type: none"> E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 6 and Subsection D above. 	
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0025			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0025			
City Council Community Development Subcom./ File # ZTA-07-0023	Section 10-3C-3(I), New Landscaping	<ul style="list-style-type: none"> 3. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, unless otherwise specified above. <u>The City shall continue to promote outstanding landscaping in retail/ commercial establishments by requiring that landscaping contain evergreen trees (pine, spruce, fir, cedar) in the landscaping mix (50% of trees, minimum).</u> The selection plantings shall be based on local climate, exposure, water availability, and drainage conditions, and non-native, invasive plants shall be prohibited. As necessary, soils shall be amended to allow for healthy plant growth. 	3-17
City Planning Commission Recommendation - DENIAL of Amendment ZTA-07-0023			
P&CD Staff Recommendation - DENIAL of Amendment ZTA-07-0023			

P&CD Staff Note: The Planning Commission was asked to please review either ZTA-07-0023 or ZTA-07-0019. The Planning Commission chose to approve ZTA-07-0019.

<p>P&CD Staff / File # ZTA-07-0019</p>	<p>Section 10-3C-3(F)(1, 2, & 3), New Landscaping</p>	<ul style="list-style-type: none"> • F. Perimeter Landscaping. Perimeter landscaping shall contribute to the total site area requirements in D above. The landscape screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. <ol style="list-style-type: none"> 1. Perimeters Adjacent to Public Rights-of-way. <ol style="list-style-type: none"> a. Parking areas and drives or other vehicular areas that extend to within 50 feet of a public right-of-way shall provide a landscape screen between the parking area, drive, or other vehicular area and the right-of-way. b. If the parking area, drive, or other vehicular area does not exceed 30,000 square feet in area, then such landscape screen shall be a minimum of ten (10') feet in width and shall contain a minimum of one (1) shade tree and ten (10) shrubs distributed per 25 linear feet of street frontage <u>or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of street frontage.</u> c. If the parking area, drive, or other vehicular area exceeds 30,000 square feet in area, then such landscape screen shall be a minimum of fifteen (15') feet in width and shall contain a berm with a minimum height of two and one half (2.5') feet above the finished elevation of the parking area. Such berm shall have a maximum slope of one foot of rise to two feet of run (1:2) and a minimum crown of three (3) feet. In addition to the required berm, at least one (1) shade tree and ten (10) shrubs distributed per 25 linear feet of street frontage <u>or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of street frontage</u> shall be required. 2. Perimeters Not Adjacent to Public Rights-of-way. <ol style="list-style-type: none"> a. In addition to F-1 above, the remaining perimeter of any parking areas, drives, or other vehicular areas shall be surrounded by a continuous five (5') foot landscape border minimum. Such landscape border shall be required between any paved area and any property line, yard, or required yard. The 	<p>3-16</p>
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		<p>landscape border may be interrupted for ingress and egress to structures and adjoining lots. The landscaped border shall consist of at least one (1) shade tree or one (1) ornamental tree and ten shrubs distributed per every 25 linear feet of perimeter <u>or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of perimeter.</u></p> <p>b. The border between any structure and parking area, drive, or other vehicular area shall be at least five (5') foot wide and consist of a minimum of ten (10) shrubs distributed per 25 linear feet.</p> <p>3. Perimeters Adjacent to Interstate 90. Any perimeter adjacent to Interstate 90 shall provide at least a fifteen (15') wide landscape border containing at least one (1) tree and ten (10) shrubs which are a <u>50/50</u> mix of evergreen and deciduous plantings distributed per 25 linear feet of Interstate 90 frontage.</p>	
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0019			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0019			
P&CD Staff / File # ZTA-07-0004	Section 10-3C-3(l)(3)(b&c), New Landscaping	<ul style="list-style-type: none"> b. Minimum Evergreen Tree Size. Evergreen trees shall be at least 5-6 feet tall at time of planting <u>and have a low-branching habit with dense foliage.</u> c. Minimum Shrub Size. Shrubs <u>or perennials</u> shall be planted from 2 gallon containers or larger, <u>and be at least 12" tall at time of planting. Perennials may be planted from 1 gallon containers if 2 gallon are not available.</u> 	3-17
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0004			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0004			
P&CD Staff / File # ZTA-07-0005	Section 10-3D-3(B) Vehicle Parking Standards	<ul style="list-style-type: none"> B. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided herein by more than 50% and when the number of parking spaces does exceed the minimum, additional landscaping, beyond the minimum requirements in Section 10-3C-3 above, shall be provided. Unless otherwise specified, all commercial and industrial uses may exceed the maximum number of parking spaces in order to provide .5 spaces per employee during the largest shift..... 	3-25
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0005			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0005			

P&CD Staff / File # ZTA-07-0006	Section 10-3D-3(E) Vehicle Parking Standards	<ul style="list-style-type: none"> E. Parking Stall Standard Dimensions and Compact Car Parking. All parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping, and provide dimensions in accordance with the following table. <u>Up to 15% of the required parking may be designed and labeled as compact. Compact stalls are 1' narrower and 2' shorter than standard stalls (i.e. a 9' x 18' standard stall would be a 8' x 16' compact stall).</u> Compact stalls shall include <u>landscape islands as required by Article 10-3C of this Code, except they can be 9' x 16'.</u> (Disabled person parking shall be provided in conformance with section "F".) 	3-25
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0006			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0006			
P&CD Staff / File # ZTA-07-0007	Section 10-3E-3(A)(4), Prohibited Signs	<ul style="list-style-type: none"> A. Signs Prohibited in the City <ul style="list-style-type: none"> 4. Flashing or neon lighting used as an alternative to signage. <u>Exposed neon on signs.</u> 	3-33
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0007			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0007			
P&CD Staff / File # ZTA-07-0020	Section 10-3E-4(A), Sign Permit Requirements	<ul style="list-style-type: none"> A. Exempt Signs. The following shall not require a sign permit provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the Building Code. <ol style="list-style-type: none"> Signs that are attached to buildings provided such signs are not more than four (4) sq. ft. in area and project not more than 2 inches from any building surface. The changing of the advertising copy or message on a lawfully erected sign, readerboard, or similar sign specifically designed for replaceable copy. Painting, repainting, or normal maintenance, unless a structural or electrical change is made. Incidental signs. Any sign located within a building not visible from the street or sidewalk. <u>Temporary pennants or signs for annual City events (e.g. Farmer's Market, Pavillion Park Summer Festival, Pet Day in the Park, Liberty Lake Kite Festival, Clean Green Day).</u> 	3-34
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0020			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0020			

P&CD Staff / File # ZTA-07-0008	10-3E-8I(4), Sign Location, Setback, Area Calculations, Maintenance, and Lighting	<ul style="list-style-type: none"> 4. The sign area of a monument sign consisting of a sign with a solid base shall be calculated as shown in Figure 6 below. The sign area of a monument sign consisting of signage within the base area shall be calculated as shown in Figure 7 below. 	3-42
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0008			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0008			
P&CD Staff / File # ZTA-07-0021	10-3F-2I, Lighting	<ul style="list-style-type: none"> C. Lighting Plan Submittal Requirements. The following information must be included for all submissions which include any new exterior lighting and where site plan approval is not required, some or all of the items may be required by the Planning & Community Development Department prior to lighting installation: 	3-43
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0021			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0021			
P&CD Staff / File # ZTA-07-0009	Section 10-3F-2(G)(7), Lighting	<ul style="list-style-type: none"> G. Exemptions. 7. Street lights shall be designed and installed per Section 10-3G-2, subsection W of this Code. 	3-47
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0009			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0009			
P&CD Staff / File # ZTA-07-0018	Section 10-3G-2(I), Transportation Improvements	<ul style="list-style-type: none"> I. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Section 10-3G-2, Section 10-3B-3, Section 10-3C-4, applicable provisions of the Transportation Improvement Plan, the Comprehensive Plan, adopted street plans, and the City of Liberty Lake Street and Stormwater Standards. Separated sidewalks with planters shall be required along both sides of streets in all new developments, unless existing sidewalks prohibit the use of separated sidewalks or physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by P&CD and additional sidewalks or pathways will be required within the development or the City. The use of urban streetscapes is encouraged in mixed use zones and designs shall be reviewed for compliance with the intent of the street tree and sidewalk standards. Maintenance of sidewalks, curbs, and 	3-53

		planter strips is the continuing obligation of the adjacent property owner.	
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0018			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0018			
P&CD Staff / File # ZTA-07-0010	Section 10-3G-2(U), Transportation Improvements	<ul style="list-style-type: none"> U. <u>Street Signs</u>. The city, county, or state with jurisdiction shall install all signs for traffic control and street names, unless it is delegated to the developer. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required. <u>Street sign posts shall be 3# U-Channel, 2 Piece Breakaway. Alternative proposals may be considered by the Director.</u> 	3-54
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0010			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0010			
P&CD Staff / File # ZTA-07-0011	Section 10-3G-2(W), Transportation Improvements	<ul style="list-style-type: none"> W. <u>Street Light Standards</u>. Street lights shall be installed in accordance with City standards for all new development by the developer / applicant to encourage a pedestrian friendly environment and enhance community safety and business exposure. <u>Final lighting fixture selection and location shall be made by the City based on developer / applicant proposals. The developer / applicant should coordinate with Avista Utilities for style / fixture selection. All street light electrical installations including wiring, conduit, and power connections shall be located underground. A plan shall be provided showing the proposed fixture types and locations along with light fixture specification sheets and each fixture shall be equipped with a photocell. Current AASHTO Roadway Lighting Design Guidelines, or equivalent guidelines shall be utilized.</u> 	3-54
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0011			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0011			
P&CD Staff / File # ZTA-07-0012	Section 10-4B-5, Type IV Projects	<ul style="list-style-type: none"> 10-4B-5 Type IV Projects Planning is an ongoing process, and improved data or changing circumstances will require amendment to the comprehensive plan or development regulations. Amendments to the comprehensive plan or development regulations can be requested by the City Council, Planning Commission, City Staff, or by any affected citizen on a yearly basis. Yearly review of proposed amendments shall begin in July and should conclude in December. Applications for amendments shall be submitted by July 31st of each year in order for the amendment to be 	4-22

		reviewed that year. Applications for amendments submitted after July 31st-1st shall be reviewed the following year. Identified deficiencies shall be docketed for possible future plan or development regulation amendments during the project review process.	
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0012			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0012			
P&CD Staff / File # ZTA-07-0013	Section 10-4C-4(H), Site Design Review Approval Criteria	<ul style="list-style-type: none"> H. The approval shall lapse, and a new application shall be required, if a permit has not been issued within one year<u>six (6) months</u> of site design review approval, or if development of the site is in violation of the approved plan or other applicable codes, <u>in accordance with Section 10-4C-6, subsection B of this Code.</u> 	4-28
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0013			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0013			
P&CD Staff / File # ZTA-07-0014	Section 10-4C-5(A-D), Bonding and Assurances	<ul style="list-style-type: none"> A. Performance Bonds for Site Improvements. On all projects where <u>site project related improvements</u> are required, the City shall require a bond in an amount not greater than 420<u>150%</u> (includes 20% administrative cost) <u>or other adequate assurances</u> as a condition of site development approval in order to guarantee the <u>site improvements</u>. B. Warranty Bond. Additional bonding or assurance shall be required for <u>all improvements within the public right-of-way, including landscaping, as well as swales which serve the right-of-way</u> for a period of 2 years after improvements are completed <u>in an amount equal to 20% of the construction cost or \$10,000, whichever is greater.</u> The P&CD Director may reduce the bond amount for projects valued at less than \$20,000. <u>The warranty bond must be posted prior to the release of any performance bonds, in conformance with the City Development Code and City Street Standards.</u> C. Release of Performance Bonds. The bond or assurance shall be released when the P&CD Director finds the completed project conforms to the site development approval, including all conditions of approval. D. Release of Warranty Bonds. <u>The bond or assurance shall be released after the 2 year period when the P&CD Director finds that any noted deficiencies have been repaired or replaced, in conformance with the City Development Code and City Street Standards.</u> 	4-29

		<ul style="list-style-type: none"> • <u>ED</u>. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 420150% of the cost of the landscaping as determined by the P&CD Director or a licensed landscape architect is filed with the City assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation. 	
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0014			
P&CD Staff Recommendation - Approval of Amendment ZTA-07-0014			
P&CD Staff / File # ZTA-07-0015	Section 10-4D-7(A), Submissions and Approval Criteria: Final Plat, BSP, and Short Plat	<ul style="list-style-type: none"> • A. Submission Requirements. Final plats, BSPs, and short plats shall be reviewed and approved by the City prior to recording with Spokane County. The applicant shall submit the final plat, BSP, or short plat within 5 years of the approval of the preliminary plat, BSP, or short plat, as provided by Section 10-4D-3 above. <ol style="list-style-type: none"> 1. Six (6) copies of the final plat, BSP, or short plat map and one (1) reduced 11x17 copy shall be submitted in a format acceptable to the Spokane County Auditor and shall include the items required under subsection B, Approval Criteria, below. 2. Additionally, fFour (4) copies of the street, grading, and drainage plans shall be submitted, <u>and Civil plans shall include City Street Standards submittal requirements, as well as street trees located and selected in accordance with Section 10-3C-4 of this Code, street signs located and selected in accordance with Section 10-3G-2, subsection U of this Code and the City Street Standards, and street lighting located and selected in accordance with Section 10-3G-2, subsection W of this Code.</u> 3. <u>If required by the Planning & Community Development Director, a geotechnical letter shall be supplied that lists the soil types within the development site and provides a schematic map identifying soil type areas. The letter must be prepared by a qualified engineer.</u> 4. †The sewer and water plan mylar shall be submitted for P&CD review and signature. <p>All final plats, BSPs, and short plats shall comply with RCW 58.17 or other applicable state laws or this Code.</p> 	4-47
City Planning Commission Recommendation - Approval of Amendment ZTA-07-0015			

P&CD Staff Recommendation - Approval of Amendment ZTA-07-0015			
<p>P&CD Staff / File # ZTA-07-0016</p>	<p>Section 10-5C-2 (C)&(D), Nonconforming Development</p>	<ul style="list-style-type: none"> • Where a structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed, the structure may remain on the site so long as it remains otherwise lawful, subject to the following provisions (signage shall be considered structures for the purpose of determining non-conformity). <u>Previously built structures (including signs) that do not conform to the current codes may remain, provided that the structure was originally constructed and remains in conformity with the then existing codes, subject to the following provisions:</u> <p>A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the Development Code or will decrease its nonconformity, unless compliance with this Development Code is not practical, as determined by the Planning & Community Development Director. <u>Nonconforming structures may not be altered in such a manner that would increase their nonconformity under the current code. Except for freestanding and monument signs, nonconforming structures may be changed in a manner that satisfies the current Development Code requirements or decreases the nonconformity to those requirements. Where it is determined that implementation of the current code is impractical, the applicability of the code requirements shall be determined by the Planning & Community Development Director;</u></p> <p>B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent more than 50 percent of its replacement cost, as determined by the building code, it shall be reconstructed only in conformity with the Development Code unless compliance with this Development Code is not practical, as determined by the Planning & Community Development Director; and</p> <p>C. Should such structure be moved or <u>signage removed</u> for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code.</p> 	<p>5-7</p>

		<p>D. Conforming uses may continue to operate in a non-conforming structure as long as the provisions above are met.</p> <p><u>E. Nonconforming signs must also comply with the Development Code if one of the following trigger events occurs:</u></p> <ol style="list-style-type: none"> <u>1. A change in business use; or</u> <u>2. Abandonment or neglect for greater than 120 days, as determined by the P&CD Director.</u> 	
	City Planning Commission Recommendation - Approval of Amendment ZTA-07-0016		
	P&CD Staff Recommendation - Approval of Amendment ZTA-07-0016		

Information is subject to change without notice